

ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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MAR 15 2001

In the Matter of)
)
Review of the Commission's) MM Docket No. 00-39
Rules and Policies Affecting the)
Conversion to Digital Television)
)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**PETITION FOR RECONSIDERATION OF
FOX TELEVISION STATIONS, INC.
AND FOX BROADCASTING COMPANY**

Fox Television Stations, Inc. ("FTS") and Fox Broadcasting Company ("FBC" and collectively with FTS, "Fox"), pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, respectfully seek reconsideration and clarification of Rule 73.623(h), 47 C.F.R. § 73.623(h), adopted by the Commission in the above-captioned proceeding ("*DTV Biennial Review Order*").¹

In the *DTV Biennial Review Order*, the Commission decided, in effect, to apply first come/first served processing to those applications filed after January 18, 2001,² but adopted an arbitrary, single cut-off date for all DTV applications, including maximization applications,

¹ See *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, Report and Order and Further Notice of Proposed Rule Making, FCC 01-24 (released January 19, 2001). The *DTV Biennial Review Order* was published in the *Federal Register* on February 13, 2001. See 66 Fed. Reg. 9973-9985 (Feb. 13, 2001).

² That is, future DTV maximization applications will be considered cut off as of the close of business on the day that they are filed. See *DTV Biennial Review Order*, para. 41.

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pending as of January 18, 2001³. The Commission reasoned that a single cut-off date for all pending applications would (1) minimize the number of mutually exclusive (MX) situations, (2) provide a measure of fairness to all applicants who filed DTV expansion applications prior to the adoption of the *DTV Biennial Review Order*, and (3) would prevent a rush of hasty and possibly defective DTV applications filed merely to preserve rights.⁴

I. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO ESTABLISH A SINGLE CUT-OFF DATE FOR ALL PENDING DTV EXPANSION APPLICATIONS, AND INSTEAD CONSIDER ALL PENDING APPLICATIONS CUT-OFF AS OF THE DATE FILED.

Fox applauds the Commission's wise rejection of overly complex procedures and multiple filing windows for processing the backlog of DTV maximization applications. Unfortunately, however, the Commission has *maximized* the pool of potentially mutually exclusive DTV applications by adopting a single cut-off date for pending DTV maximization applications. In contrast to Fox's proposal of first come/first served processing under which applications would be deemed cut-off on the date filed, the adoption of a single cut-off date for all pending DTV applications complicates the determination of which applications are mutually exclusive, thereby seriously threatening the Commission's stated goal of rapid conversion and rollout of digital service. Indeed, all of the reasons the Commission has stated for its prospective approach of cutting off new DTV applications as of the close of business on the day they are filed apply equally as well to the applications currently on file.

³ January 18, 2001 is the date on which the new procedures were adopted.

⁴ *DTV Biennial Review Order*, para. 39.

A. Unlike the Single Cut-off Date Adopted by the Commission, First Come/First Served Processing Will Reduce Significantly the Pool of Pending Maximization Applications that Potentially Are Mutually Exclusive.

The Commission has failed to provide any rational explanation for rejecting first come/first served processing in favor of a processing scheme that will yield more mutually exclusive situations. Fox recognizes that the benefits of first come/first served processing cannot be realized in situations where a number of DTV applications were filed on the same day to meet Commission-mandated DTV filing deadlines.⁵ Similarly, the single cut-off date (January 18, 2001) for all pending DTV applications does not reduce the number of mutually exclusive situations where large numbers of applications were filed on the same date. Thus, one of the Commission's stated rationales for rejecting first come/first served processing applies equally to the single cut-off date adopted by the Commission.

Moreover, despite Commission-mandated deadlines, evidence suggests that the bulk of DTV maximization applications were not filed on the same date. For example, of the 14 maximization applications filed by Fox's owned-and-operated stations, only four were filed on November 1, 1999. *See* Attachment A hereto. Of the 81 maximization applications prepared by Fox engineers for Fox-affiliated stations, only 25 were filed on November 1, 1999, and none were filed on May 1, 2000. *See* Attachment B hereto.

⁵ *See id.*, para. 40 (Commission justifying its rejection of first come/first served processing on the ground that, since so many of the pending DTV applications were filed in large batches on the same day because of Commission-mandated DTV deadlines (e.g., November 1, 1999 and May 1, 2000), these applications would remain mutually exclusive, and the benefits of first come/first served processing would not be realized).

Worse still, unlike first come/first served processing, the adoption of a single cut-off date for all DTV applications pending as of January 18, 2001 expands the universe of potentially mutually exclusive DTV applications. Under first come/first served processing, only applications filed on the same date potentially may be mutually exclusive. Theoretically, with a single cut-off date, all pending applications potentially could be mutually exclusive. Hence contrary to its stated goal, the Commission has increased – rather than minimized – the likelihood of mutually exclusive DTV maximization applications.⁶ See Attached Engineering Statement of R. Evans Wetmore, P.E.

B. First Come/First Served Processing of Pending DTV Maximization Applications Is Neither Unfair Nor Unexpected.

Contrary to the Commission's suggestion,⁷ first come/first served processing would not be unfair to noncommercial and smaller market licensees. The Commission established staggered filing deadlines for DTV applications for the convenience of, and to lessen the burden of DTV conversion on, noncommercial and smaller market licensees.⁸ These smaller market and noncommercial licensees, however, were not forced to delay filing their DTV

⁶ See *id.*, para. 39 (citing "minimiz[ation] of MX situations" as a goal in adopting cut-off procedures for DTV area-expansion applications); see also *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, Notice of Proposed Rule Making, FCC 00-83, para. 42 (rel. Mar. 8, 2000) ("*DTV Biennial Review NPRM*") (stating that the rationale for adopting a cut-off procedure would be to minimize the number of mutual exclusivities and to facilitate applicants' planning with respect to their proposals).

⁷ See *DTV Biennial Review Order*, para. 40.

⁸ See *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MM Docket No. 87-268, Fifth Report and Order, 12 FCC Rcd 12809, 12841-12847 (1997) ("*DTV Fifth Report & Order*").

applications, including maximization applications, until the outside deadline established by the Commission.

In fact, many licensees in smaller markets filed DTV maximization applications well before the May 1, 2000 deadline established by the Community Broadcasters Protection Act. For example, Fox engineers assisted many Fox-affiliated stations in smaller markets in the preparation of engineering showings required to support a DTV maximization application. As detailed in Attachment B hereto, with one exception all of those maximization applications for Fox-affiliates in smaller markets were filed well before May 1, 2000.

Moreover, those smaller market and noncommercial licensees that delayed in filing their DTV applications did so at their own risk. As the Commission has acknowledged, DTV construction permit applications, including requests to maximize facilities, are considered minor modification applications.⁹ Section 73.3572(f) of the Commission's rules states that applications for minor modifications for television broadcast stations "may be filed at any time . . . and, generally, will be processed in the order in which they are tendered." 47 C.F.R. § 73.3572(f). Accordingly under the Commission's existing processing scheme for minor modifications, if an applicant delays in filing, it risks interference from a prior filed application.¹⁰

⁹ See *DTV Biennial Review NPRM*, para. 43; *DTV Fifth Report & Order*, 12 FCC Rcd 12809, para. 74 & n.159 (1997); see also *Revision of Sections 73.3571, 73.3572 and 73.3573 of the Commission's rules*, 56 R.R.2d 941, para. 4 (1984) (concluding that changes in power, antenna location and/or antenna height should be classified as minor changes for both the television and commercial FM broadcast service).

¹⁰ As Fox pointed out in its Comments, there appears to be some confusion over whether television minor change applications, which includes DTV maximization applications, are subject to the filing of mutually exclusive applications until the date they are granted.
(continued...)

And thus all DTV applicants were clearly on notice that any delay in filing a DTV maximization application could result in the reduced ability to maximize DTV facilities.

C. One of the Commission's Rationales for Rejecting First Come/First Served Processing for Pending DTV Maximization Applications Is Flawed and Inconsistent.

Finally, the Commission itself is inconsistent in its reasoning that first come/first served processing would somehow be unfair to "noncommercial and smaller market licensees" that followed the staggered DTV construction deadlines. Specifically, the Commission rejected first come/first served processing for all DTV applications *pending as of January 18, 2001*, but in effect adopted first come/first served processing for future DTV maximization applications. The DTV construction deadlines for noncommercial and smaller market (i.e., not in the top-30 markets) licensees, however, has not yet passed.¹¹ These smaller market and noncommercial licensees still may amend their pending DTV applications to specify maximized facilities.

The only licensees for which DTV construction deadlines have passed are network-affiliated stations in the top-30 television markets. It would thus appear arbitrary and capricious for the Commission to reject first come/first served processing simply to protect the expectations of licensees in the top-30 markets to maximize their facilities, but not those noncommercial and smaller market licensees whose DTV construction deadlines have not yet

¹⁰ (...continued)
See Comments of Fox, filed May 17, 2000, at 8-9 & n.16. Nevertheless, regardless of whether television minor change applications remain subject to mutually exclusive proposals until action is taken on the application, or are processed on a first come/first served basis, any delay in filing an application clearly risks interference from a previously filed and granted application.

¹¹ *See* 47 C.F.R. § 73.624(d).

passed. In any event, under the Community Broadcasters Protection Act, all DTV applicants needed to file their maximization applications by May 1, 2000 to preserve their right to maximize facilities vis-a-vis Class A television stations. Moreover, as demonstrated above, any expectations that delay in the filing of DTV maximization applications would be without negative consequences were entirely unreasonable.

The Commission has failed to provide any rational explanation for rejecting first come/first served processing in favor of a processing scheme that will yield more mutually exclusive situations and inevitably delay nationwide the conversion to DTV. Neither a single cut-off date nor first come/first served processing will result in a surge of hastily prepared and defective DTV applications because the universe of DTV applications is relatively known at the current time.¹² First come/first served processing of the currently pending DTV applications thus will achieve all of the same benefits – namely procedural fairness and deterrence of rush applications – as the single cut-off date adopted by the Commission, plus the additional benefit of fewer mutually exclusive applications.

¹² See Comments of Fox, filed May 17, 2000, at 11-12.

II. THE COMMISSION SHOULD CLARIFY THAT DTV APPLICANTS NEED ONLY DEMONSTRATE INTERFERENCE PROTECTION TO STATIONS BASED ON POWER LEVELS NECESSARY TO REPLICATE NTSC SERVICE, NOT TO STATIONS VOLUNTARILY OPERATING AT LOWER POWER.

As originally proposed in its Comments, Fox urges the Commission to clarify on reconsideration that licensees seeking DTV facility changes need only protect the stronger of either the allotted facilities or the currently authorized facilities.¹³ Requiring interference protection studies for both the facility authorized in the DTV Table of Allotments and the currently authorized facility is computationally intractable because it involves the analysis of all possible combinations and permutations of station facilities.

DTV stations voluntarily operating at lower power levels produce DTV signals that are more prone to interference from other sources. Providing interference protection to a DTV station operating in a weakened state may not merely entail reduction in power by nearby stations, but also may require changes to antenna facilities (e.g., operation of a directional antenna). Operating directionally to broadcast a signal away from a weakened DTV station thus may necessitate significant capital expenditures by the other DTV stations in the same market. *See* attached Engineering Statement of R. Evans Wetmore, P.E. The public interest is not served by allowing these weaker stations to drive the level of DTV signal coverage in a particular market.

¹³ *See* Comments of Fox, filed May 17, 2000, at 3-4. The Commission's DTV Processing Guidelines appear to require that both the authorized and allotment facilities be used in determining interference protection. *See* Public Notice, "Additional Application Processing Guidelines for Digital Television (DTV)," Aug. 10, 1998, at 4-5.

Also, it is not necessarily true that smaller market UHF stations are the ones voluntarily operating at a lower power. Rather, many higher powered VHF stations are operating at less than their maximum authorized power simply to avoid high electricity bills prior to large-scale DTV receiver penetration in their markets. Set forth in Attachment C hereto are a few examples of major market stations that are not operating at their full allotment power.

The clarification suggested above will provide increased incentive for television licensees to replicate their NTSC service areas well-before the December 31, 2004 use-or-lose date adopted in the *DTV Biennial Review Order*.¹⁴ If DTV licensees voluntarily choose to operate at lower-than-authorized power levels, they must be willing to accept interference from television licensees utilizing spectrum to the full extent authorized by the DTV Table of Allotments. For the Commission to conclude otherwise would reward licensees that are unwilling to use their digital spectrum to provide at least the same level of service to the public as provided using analog spectrum.

III. CONCLUSION

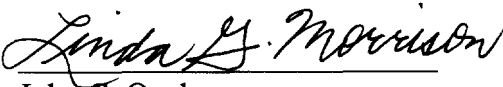
As discussed above, by adopting a single cut-off date for all DTV applications pending as of January 18, 2001, the Commission has not promoted its stated goal of adopting processing procedures that would minimize the number of mutually exclusive situations. The successful conversion to digital television, however, is directly related to the provision of DTV signals to the largest number of viewers. The processing scheme adopted both results in an

¹⁴ See *DTV Biennial Review Order*, para. 22 (To provide incentive to replicate NTSC coverage with DTV service, Commission decided to cease interference protection to unreplicated service area as of December 31, 2004.).

increased number of mutually exclusive DTV applications and rewards DTV licensees voluntarily operating at less-than-authorized power with reduced service coverage. Such consequences inevitably will delay the build out of maximized DTV facilities and ultimately undercut the goal of rapid conversion to DTV. Fox therefore requests that the Commission reconsider its decision and adopt first come/first served processing for all pending DTV applications.

Respectfully submitted,

FOX TELEVISION STATIONS, INC.
FOX BROADCASTING COMPANY

By: 
John C. Quale
Linda G. Morrison

Skadden, Arps, Slate, Meagher
& Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7200

Dated: March 15, 2001

Their Attorneys

ENGINEERING STATEMENT IN SUPPORT OF FOX PETITION FOR RECONSIDERATION

R. Evans Wetmore, P.E., hereby declares as follows:

1. I am the Vice President, Advanced Engineering, News Technology Group, and a registered professional engineer in the State of California.

2. A single cut-off date creates problems for engineers trying to create technically compliant digital television (DTV) applications. An engineer can only be aware of the state of the spectrum and granted applications at the time the engineer designs the facilities. An engineer cannot know about future submissions by other applicants. Nor can he/she know whether pending applications may ultimately be granted by the Commission. Such future submissions and applications could affect the facilities being designed.

3. A single cut-off date creates a pool of applicants without regard to the chronology of their submission. Applications are thus processed out of the order of their original design and filing date. As a result, mutually exclusive situations arise that were not contemplated when the engineering and interference analyses were prepared because engineers must account for and protect facilities and situations that did not exist at the time of the submission of their applications. This situation may not be the best use of the valuable resources of both the Commission and the engineering community because DTV applications and proposals must be analyzed and designed multiple times.

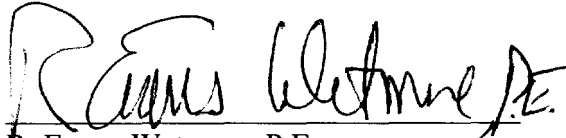
4. The evaluation of interference using multiple configurations for all affected stations is computationally wasteful and time-consuming. The evaluation of all the combinations and permutations of stations means that non-existent facilities must be protected to the detriment of actual DTV and analog facilities.

5. The number of studies resulting from evaluating all of the combinations and permutations of facilities grows at a very rapid exponential rate. For example, suppose ten stations are implicated by a proposed application or modification. If all ten stations have only one facility, then two engineering studies are needed: one interference study before and one after the proposed change. If, however, there are two different configurations for five of the ten stations involved, then 33 engineering studies will be required (one baseline study plus $2 \times 2 \times 2 \times 2 \times 2 = 32$). See generally Erwin Kreyszig, *Advanced Engineering Mathematics*, Section 20.6 (4th ed., 1979).

6. DTV stations operating at power levels below those specified in the Table of Allotments are more prone to interference than those operating at their full replication or maximized power levels. Providing interference protection to a DTV station operating in a weakened state (i.e., below replication power) may not just entail reduction in power by nearby

stations, but also may require changes to antenna facilities (e.g., use of or changes to the operation of a directional antenna), which will require significant capital and time expenditures. Such replacement costs could easily rise to the level of \$150,000.

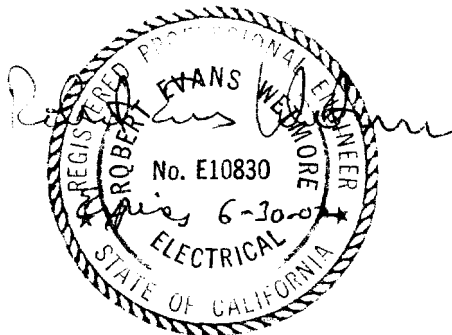
7. The best methodology for both design and computational tractability would be to use one configuration for each station involved in an interference analysis. This single configuration should represent the facility that encompasses the largest service area. Use of service area, as defined by the area within the Service Contour for DTV or the Grade B Contour for NTSC, as appropriate, is easy to calculate and is a fair representation of the most efficacious configuration of the station.



R. Evans Wetmore, P.E.

Vice President, Advance Engineering
News Technology Group

March 15, 2001



ATTACHMENT A
Pending DTV Maximization Applications
for Fox Owned and Operated Television Stations

Station Call Sign	Community of License	Date Filed	FCC File No./Status
KDFW	Dallas, Texas	5/1/1999	BPCDT-19990501ABN Pending
KDFI	Dallas, Texas	11/1/1999	BPCDT-19991101AEK Granted 1/22/01
KDVR	Denver, Colorado	11/1/1999	BPCDT-19991101AIT Pending
KFCT	Fort Collins, Colorado	8/30/1999	BPCDT-19990830AAH Pending
KRIV*	Houston, Texas	8/7/1998	BMPCDT-19980807KH Pending
KSAZ-TV	Phoenix, Arizona	5/26/1999	BMPCDT-19990526KF Granted 4/24/00
KSTU	Salt Lake City, Utah	11/1/1999	BPCDT-19991101AJD Pending
KTTV	Los Angeles, California	5/27/1999	BMPCDT-19990527KH Pending
WFLD	Chicago, Illinois	8/7/1998	BMPCDT-19980807KE Pending
WGHP	High Point, North Carolina	10/5/1999	BPCDT-19991005ABQ Pending
WFXT	Boston, Massachusetts	5/26/1999	BPCDT-19990526KH Pending
WNYW	New York, NY	4/2/1999	BMPCDT-19990402KI Pending
WTVT	Tampa, Florida	5/26/1999	BMPCDT-19990526KG Pending
WTFX-TV*	Philadelphia, Pennsylvania	11/1/1999	BPCDT-19991101ADX Pending

* Station requires negotiated settlements.

ATTACHMENT B
DTV Maximization Applications
Filed for Fox Affiliates

Station Call Sign	Community of License	Date Filed	FCC File No./Status
KABB	San Antonio, Texas	10/28/1999	BPCDT-19991028AAR Pending
KADN	Lafayette, Louisiana	11/1/1999	BPCDT-19991101AHD Pending
KARD	Monroe, Louisiana	11/1/1999	BPCDT-19991101ADC Granted 1/22/01
KAYU-TV	Spokane, Washington	10/27/1999	BPCDT-19991027ABB Pending
KBSI	Cape Girardeau, Missouri	10/18/1999	BPCDT-19991028AAS Pending
KCBA	Salinas, California	12/1/1999	BPCDT-19991101AFY Pending
KCIT	Amarillo, Texas	10/29/1999	BPCDT-19991029AIB Granted 1/16/01
KDEB-TV	Springfield, Missouri	11/1/1999	BPCDT-19991101ADK Pending
KDSM-TV	Des Moines, Iowa	10/28/1999	BPCDT-19991028ACE Pending
KFFX-TV	Pendleton, Oregon	11/1/1999	BPCDT-19991101AIU Pending
KFOX-TV	El Paso, Texas	11/1/1999	BPCDT-19991101AID Pending
KFXA	Cedar Rapids, Iowa	10/28/1999	BPCDT-19991028ACW Granted 11/6/00
KFXB	Dubuque, Iowa	10/28/1999	BPCDT-19991028ACY Pending
KFXK	Longview-Tyler, Texas	10/27/1999	BPCDT-19991027ACM Pending
KJTL	Wichita Falls, Texas	11/2/1999	BPCDT-19991102ABG Pending
KJTV-TV	Lubbock, Texas	10/20/1999	BPCDT-19991020ABT Pending

Station Call Sign	Community of License	Date Filed	FCC File No./Status
KLSR-TV	Eugene, Oregon	11/1/1999	BPCDT-19991101AEZ Granted 1/22/01
KLWY	Cheyenne, Wyoming	1/10/2000	BPCDT-20000110AAD Granted 2/5/01
KMPH	Visalia, California	10/1/1999	BPCDT-19991001AAM Granted 1/4/01
KMSS-TV	Shreveport, Louisiana	10/22/1999	BPCDT-19991022ABL Granted 10/25/00
KMVU	Medford, Oregon	10/27/1999	BPCDT-19991027AAZ Pending
KOKH-TV	Oklahoma City, Oklahoma	11/1/1999	BPCDT-19991101AKJ Granted 1/26/01
KPDX	Vancouver, Washington	9/2/1999	BPCDT-19990902AAJ Pending
KPEJ	Odessa, Texas	10/22/1999	BPCDT-19991022ABM Pending
KPTM	Omaha, Nebraska	11/1/1999	BPCDT-19991101AGZ Granted 1/24/01
KRXI	Reno, Nevada	11/1/1999	BPCDT-19991101AFQ Granted 1/26/01
KTBY	Anchorage, Alaska	11/1/1999	BPCDT-19991101AJH Pending
KTRV	Nampa, Idaho	10/28/1999	BPCDT-19991028ADO Pending
KTMM	Huron, South Dakota	10/29/1999	BPCDT-19991029ADD Pending
KTWW	Sioux Falls, South Dakota	10/29/1999	BPCDT-19991029ACY Granted 2/5/01
KTVG	Lincoln, Nebraska	10/15/1999	BPCDT-19991015ABA Granted 11/24/00
KTXL	Sacramento, California	6/9/1999	BPCDT-19990609KE Granted 4/24/00
KVCT	Victoria, Texas	10/27/1999	BPCDT-19991027ACU Granted 10/31/00

Station Call Sign	Community of License	Date Filed	FCC File No./Status
KVHP	Lake Charles, Louisiana	7/14/1999	BPCDT-19990714LD Pending
KWKT	Waco, Texas	10/29/1999	BPCDT-19991029AHF Pending
KXRM-TV	Colorado Springs, Colorado	10/29/1999	BPCDT-19991029AIC Pending
KYOU-TV	Ottumwa, Iowa	10/27/1999 10/27/1999	BPCDT-19991027AAR Pending BPCDT-19991027ABJ Pending
WBFF*	Baltimore, Maryland	8/3/1998	BPCDT-19980803KR Pending
WCCB	Charlotte, North Carolina	5/11/1999 10/13/1999	BMPCDT-19990511KE Granted 6/17/99 BMPCDT-19991013ABU Granted 7/20/00
WCOV-TV	Montgomery, Alabama	10/21/1999	BPCDT-19991021ACM Granted 2/1/01
WDKY-TV	Danville, Kentucky	10/28/1999	BPCDT-19991028ACG Pending
WEMT	Greenville, Tennessee	11/1/1999	BPCDT-19991101AJR Pending
WFFT-TV	Ft. Wayne, Indiana	10/29/1999	BPCDT-19991029ADC Pending
WFLX	West Palm Beach, Florida	9/10/1999	BMPCDT-19990910AAN Pending
WFXB	Myrtle Beach, South Carolina	7/19/1999	BPCDT-19990719KE Pending
WFXG	Augusta, Georgia	10/27/1999	BPCDT-19991027AAZ Pending
WFXP	Erie, Pennsylvania	11/3/1999	BPCDT-19991103ABO Pending
WFXV	Utica, New York	12/10/1999	BPCDT-19991029AIE Pending
WGMB	Baton Rouge, Louisiana	10/20/1999	BPCDT-19991020ACT Granted 10/25/00

Station Call Sign	Community of License	Date Filed	FCC File No./Status
WGXA	Macon, Georgia	10/29/1999	BPCDT-19991029AFU Granted 11/9/00
WHNS	Asheville, North Carolina	10/18/1999	BPCDT-19991018AAX Granted 10/11/00
WICZ-TV	Binghamton, New York	10/21/1999	BPCDT-19991021AAQ Granted 1/16/01
WKNT	Bowling Green, Kentucky	11/1/1999	BPCDT-19991101ADV Pending
WMSN-TV	Madison, Wisconsin	11/1/1999	BPCDT-19991101AIM Granted 1/26/01
WNTZ	Natchez, Mississippi	10/27/1999	BPCDT-19991027ABM Pending
WOFL	Orlando, Florida	9/20/1999	BPCDT-19990920AAV Granted 4/26/00
WOGX	Ocala, Florida	10/13/1999	BPCDT-19991013ABF Granted 1/4/01
WPGX	Panama, Florida	4/26/2000	BPCDT-20000426AAK Pending
WPMT*	York-Harrisburg, Pennsylvania	9/16/1999	BPCDT-19990916AAG Pending
WQRF-TV	Rockford, Illinois	10/29/1999	BPCDT-19991029AIK Pending
WRGT-TV	Dayton, Ohio	11/1/1999	BPCDT-19991101ADJ Pending
WRLH-TV	Richmond, Virginia	11/1/1999	BPCDT-19991101ADE Granted 1/22/01
WSFX-TV	Wilmington, North Carolina	10/6/1999	BPCDT-19991006AAT Granted 1/11/01
WSJV	Elkhart, Indiana	11/1/1999	BPCDT-19991101ADP Pending
WSMH	Flint, Michigan	10/28/1999	BPCDT-19991028ACK Pending
WSVN	Miami, Florida	11/1/1999	BPCDT-19991101AFH Pending
WSYM-TV	Lansing, Michigan	11/1/1999	BPCDT-19991101AIA Pending

Station Call Sign	Community of License	Date Filed	FCC File No./Status
WSYT	Syracuse, New York	10/29/1999	BPCDT-19991029ADL Pending
WTAT-TV	Charleston, South Carolina	11/1/1999	BPCDT-19991101AIN Pending
WTGS	Hardeeville, South Carolina	11/1/1999	BPCDT-19991101AFN Granted 1/26/01
WTTE	Columbus, Ohio	10/29/1999	BPCDT-19991029AGZ Pending
WTVW	Evansville, Indiana	11/1/1999	BPCDT-19991101ACY Pending
WUHF	Rochester, New York	11/1/1999	BPCDT-19991101ACD Pending
WUTV	Buffalo, New York	11/1/1999	BPCDT-19991101ACJ Pending
WVAH-TV	Charleston, West Virginia	11/1/1999	BPCDT-19991101AIK Pending
WVFX	Clarksburg, West Virginia	10/28/1999	BPCDT-19991028AEH Pending
WXTX	Columbus, Georgia	10/27/1999	BPCDT-19991027ACY Pending
WXXV-TV	Gulfport, Mississippi	10/14/1999	BPCDT-19991014ABJ Granted 1/11/01
WYDC	Corning, New York	10/29/1999	BPCDT-19991029AID Pending
WYZZ-TV	Bloomington, Illinois	10/28/1999	BPCDT-19991028AEQ Pending
WZTV	Nashville, Tennessee	11/1/1999	BPCDT-19991101ADI Pending

* Station requires negotiated settlements.

ATTACHMENT C
Examples of DTV Stations Not Operating at Full Allotment Power

Call Sign/Location	DTV Channel Number	Allotment	Current
WBZ-DT Boston, MA	30	818 kW	600 kW
WCVB-DT Boston, MA	20	1000 kW	200 kW
KCBS-DT Los Angeles, CA	60	866 kW	469 kW
KTLA-DT Los Angeles, CA	31	661 kW	310 kW
WSOC-DT Charlotte, NC	34	741 kW	370 kW
WLWT-DT Cincinnati, OH	35	1000 kW	65 kW
WBNS-DT Columbus, OH	21	898 kW	440 kW
WJZ-DT Baltimore, MD	38	1000 kW	522 kW
WBAL-DT Baltimore, MD	59	1000 kW	537 kW

Certificate of Service

I, Katherine M. Kline, do hereby certify on this 15th day of March, 2001, copies of the attached "Petition for Reconsideration of Fox Television Stations, Inc. and Fox Broadcasting Company" filed today with the FCC in MM Docket No. 00-39 were served, via first-class mail, postage prepaid, on all parties to the rulemaking proceeding:

Jerianne Timmerman
NAB
1771 N Street, N.W.
Washington, D.C. 20036

Kent E. Lillie
President & Chief Executive Officer
Shop At Home, Inc.
5388 Hickory Hollow Parkway
Antioch, TN 37013

Lawrence Ausubel, Co-President
Spectrum Exchange Group, LLC
2920 Garfield Terrace, N.W.
Washington, D.C. 20008

Rick Feldman, Chief Operating Officer
USA Broadcasting, Inc.
1230 Avenue of the Americas
New York, NY 10020

Mark E. Crosby
President & CEO
Industrial Telecommunications Association
1110 N. Glebe Road
Suite 500
Arlington, VA 22201

Valerie Shulte, Deputy General Counsel
Legal & Regulatory Affairs
NAB
1771 N Street, N.W.
Washington, D.C. 20036-2891

Barry D. Umansky, Esq.
Counsel for Coast Community College
District
Vorys, Sater, Seymour and Pease, LLP
1828 L Street, N.W.
Washington, D.C. 20036

David Donovan
V.P. Legal and Legislative Affairs
Association of Local Television Stations, Inc.
1320 19th Street, N.W.
Suite 300
Washington, D.C. 20036

Lowell W. Paxson, Chairman
Paxson Communications Corporation
601 Clearwater Park Road
West Palm Beach, FL 33401

Barbara A. Baffer
Director, Regulatory and Public Affairs
Ericson, Inc.
1634 I Street, N.W.
Washington, D.C. 20006

Lawrence R. Sidman, Esq.
Counsel for Philips Electronics
Verner, Liipfert, Bernhard, McPherson &
Hand
901 15th Street, N.W.
Washington, D.C. 20005-2301

John M. Burgett, Esq.
Counsel for Zenith Electronics Corporation
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Jonathan D. Blake, Esq.
Attorney for Association for Maximum
Service Television, Inc.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Peter D. Ross, Esq.
Counsel for America Online, Inc.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Sara W. Morris, Esq.
Counsel for Thomson Consumer Electronics
Verner, Liipert, et al.
901 15th Street, N.W.
Washington, D.C. 20005

Jennifer R. Fisk, General Manager
PAX14-KAPX(TV)
211 Montano Road, N.W.
Suite A
Albuquerque, NM 87107

Paul J. Schlaver, Chair
Massachusetts Consumers' Coalition
c/o Cambridge Consumers Council
831 Massachusetts Avenue
Cambridge, MA 02139

Marsha J. MacBride
The Walt Disney Company
1150 17th Street, N.W.
Suite 400
Washington, D.C. 20036

Jack N. Goodman
Senior Vice President and General Counsel
Legal & Regulatory Affairs
1771 N Street, N.W.
Washington, D.C. 20036

Edward O. Fritts, President and CEO
NAB
1771 N Street, N.W.
Washington, D.C. 20036

R. Evans Wetmore, P.E.
Vice President, Advanced Engineering
Fox Broadcasting Company
News Technology Group
Building 100
10201 West Pico Blvd.
Los Angeles, CA 90035-0057

Andy Setos
Fox Broadcasting Company
News Technology Group
Building 100
10201 West Pico Blvd.
Los Angeles, CA 90035-0057

Mary M. Martin, Chairman
The Seniors Coalition
9001 Braddock Road, Suite 200
Springfield, VA 22151

Roger Doering, Engineer
420 W. Angus Drive
Camp Verde, AZ 86322

Maureen O'Connell, Esq.
Vice President, Regulatory & Government
Affairs
The News Corporation
444 North Capitol Street, N.W.
Suite 740
Washington, D.C. 20001-1512

Justin Lilley
The News Corporation
444 North Capitol Street, N.W.
Suite 740
Washington, D.C. 20001-1512

Angela McGlowan
The News Corporation
444 North Capitol Street, N.W.
Suite 740
Washington, D.C. 20001-1512

Bob Quicksilver
The News Corporation
444 North Capitol Street, N.W.
Suite 740
Washington, D.C. 20001-1512

Ellen S. Agress, Esq.
Senior Vice President and Deputy
General Counsel
News America, Incorporated
1211 Avenue of the Americas, 3rd Floor
New York, NY 10036-8795

Mark N. Cooper
Director of Research
Consumer Federation of America
1424 16th Street, Suite 604
Washington, D.C. 20036

W.D. Ozley
Vice President Marketing & Sales
Dielectric Communications
P.O. Box 949
22 Tower Road
Raymond, ME 04071

William L. Watson
Vice President and Assistant Secretary
Paxson Communications Corporation
601 Clearwater Park Road
West Palm Beach, FL 33401

Mark E. Crosby
Access Spectrum LLC
1110 N. Glebe Road, Suite 500
Arlington, VA 22201

Jennifer A. Johnson
Counsel for Midwest Television, Inc.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Lawrence R. Krevor
Senior Director of Government Affairs
Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191

Barry A. Friedman
Counsel for Entravision Holdings, LLC
Thompson Hine & Flory LLP
Suite 800
1920 N Street, N.W.
Washington, D.C. 20036

J. Geoffrey Bentley
Counsel for Maranatha Broadcasting
Company, Inc. and Sunshine Family
Television, Inc.
Bentley Law Office
P.O. Box 710207
Herndon, VA 20171

Martin R. Leader
Counsel for Sinclair Broadcast Group, Inc.
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037

Robert L. Hoggarth
Senior Vice President, Government Relations
Personal Communications Industry Assn.
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Robert M. Gurss
Counsel for Association of Public-Safety
Communications Officials-International, Inc.
Shook, Hardy & Bacon, LLP
600 14th Street, N.W., #800
Washington, D.C. 20005

Jonathan A. Friedman
Counsel for Motorola, Inc.
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036-3384

William D. Roberts, Secretary-General
Marnie de Kerckhove, Executive Director
North American Broadcasters Association
P.O. Box 500, Station A
Toronto ON Canada M5W 1E6

Bruce A. Opperman
Frederick R. Vobbe
Lima Communications Corporation
WLIO Television
1424 Rice Avenue
Lima, OH 45805-1949

Barry A. Friedman
Counsel for Costa De Oro Television, Inc.
and Rancho Palos Verdes Broadcasters, Inc.
Thompson Hine & Flory LLP
1920 N Street, N.W.
Washington, D.C. 20036

Peter R. Martin
Mt. Mansfield Television, Inc.
P.O. Box 608
Burlington, VT 05402

Sarah R. Iles
Counsel for Grupo Televisa, S.A.
Leventhal, Senter & Lerman P.L.L.C.
Suite 600
2000 K Street, N.W.
Washington, D.C. 20006-1809

David R. Siddall, Esq.
Counsel for NXTWAVE
Communications, Inc.
Verner, Liipfert, Bernhard, McPherson &
Hand, Chartered
901 15th Street, N.W.
Washington, D.C. 20005

Michael J. Lambert
Chief Executive Officer
1Blast Networks
100 North Crescent Drive
Beverly Hills, CA 90210

Albert Shuldiner
Counsel for USA Digital Radio, Inc.
Vinson & Elkins L.L.P.
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008

Leo R. Fitzsimon
Director, Regulatory and Industry Affairs
Nokia Inc.
1101 Connecticut Avenue, N.W.
Suite 910
Washington, D.C. 20036

Scott R. Flick
Counsel for Univision Communications Inc.
Shaw Pittman
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Donald R. Bussell, Secretary
The American Legacy Foundation
11840 N. Dragoon Springs Road
Tucson, Arizona 85737

Myoung Hwa Bae, President
KM Communications, Inc.
3654 West Jarvis Avenue
Skokie, IL 60076

Dane E. Ericksen
Hammett & Edison, Inc.
470 Third Street West
Sonoma, CA 95476

Daniel E. Brenner
Counsel for the National Cable
Television Association
1724 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Richard Cotton
Executive Vice President and
General Counsel
National Broadcasting Company, Inc.
1299 Pennsylvania Avenue, N.W.
11th Floor
Washington, D.C. 20004

Donald G. Everist, Esq.
Cohen, Dippell and Everist, P.C.
1300 L Street, N.W.
Suite 1100
Washington, D.C. 20005

David R. Siddall, Esq.
Counsel for Consumer Electronics Association
Verner, Liipfert, Bernhard, McPherson
& Hand, Chartered
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

Paul K. DeGonia
Executive Director
Advanced Television Technology Center, Inc.
1330 Braddock Place, Suite 200
Alexandria, VA 22314

Stephen J. Boatti
Senior Vice President, Chief Legal Officer
Nielsen Media Research, Inc.
299 Park Avenue
New York, NY 10171

Andrew D. Cotlar, Esq.
Staff Attorney
Association of America's Public
Television Stations
1350 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

Rance Taylor
Veterans of Foreign Wars of the
United States
Georgia State Headquarters
4952 Columbia Rd.
Macon, GA 31206

Clint McKethan
Veterans of Foreign Wars of the
United States
3428 Herring Avenue
Waco, TX 76708

John F. Payne, PSC-VFW
National Chairman
Veterans' Rights Coalition
P.O. Box 2774
Charleston, West Virginia 25330

Steve Protulis
Executive Director
National Council of Senior Citizens
8403 Colesville Road, Suite 1200
Silver Spring, MD 20910-3314

Bruce Campelia
EVA, Wavexpress, Inc.
One Pennsylvania Plaza, Suite 2434
New York, NY 10119

John P. Janka
Counsel for Freedom Communications, Inc.
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004

Rebecca Duke
Counsel for Hubbard Broadcasting, Inc.
Holland & Knight LLP
2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-3202

Patricia E. Williams, Office Manager
Louis A. Williams, Jr.
Louis A. Williams, Jr. and Associates
2092 Arrowood Place
Cincinnati, OH 45231

Marilyn Mohrman-Gillis
Vice President, Policy and Legal Affairs
Lonna D. Thompson
Director, Legal Affairs
Andrew D. Cotlar, Staff Attorney
Counsel for The Association of America's
Public Television Stations and the Public
Broadcasting Service
Association of America's Public Television
Stations
1350 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

Deborah Carney
Counsel for CARE
Carney Law Office
21789 Cabrini Boulevard
Golden, CO 80401

David L. Donovan
Vice President Legal & Legislative Affairs
Association of Local Television Stations, Inc.
1320 19th Street, N.W.
Suite 300
Washington, D.C. 20036

Linda Golodner, President
National Consumers League
1701 K Street, N.W., Suite 1200
Washington, D.C. 20006

John R. Feore, Jr.
Elizabeth A. McGeary
Scott S. Patrick
Counsel for Blade Communications, Inc. and
Jovon Broadcasting Corporation
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Kevin F. Reed
Elizabeth A. McGeary
Scott S. Patrick
Counsel for Cordillera Communications, Inc.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Brendan Holland
Counsel for Pegasus Communications
Corporation
Shaw Pittman
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

Michael J. Seibert, Vice President
Davis Television Pittsburg, LLC
2121 Avenue of the Stars, Suite 2800
Los Angeles, CA 90067

Jerold L. Jacobs, Esq.
Counsel for Mike Simons
Cohn and Marks
Suite 300
1920 N Street, N.W.
Washington, D.C. 20036-1622

S. Merrill Weiss
Senior Partner
The Merrill Weiss Group
Suite A
908 Oak Tree Avenue
South Plainfield, NJ 07080-5100

Robert K. Graves, Chairman
Mark S. Richer, Executive Director
Advanced Television Systems Committee
Suite 1200
1750 K Street, N.W.
Washington, D.C. 20006

John Griffith Johnson, Jr.
Counsel for Pennsylvania State University
and Pappas Telecasting of Southern
California, LLC
Paul, Hastings, Janofsky & Walker, LLP
Tenth Floor
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400

Michael J. McCarthy, Sr.
Executive Vice President
BELO
Communications Center
400 South Record Street
Dallas, TX 75202

Justin Castillo
Counsel for Microsoft Corporation
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, N.W., Suite 900
Washington, D.C. 20036

Neal A. Jackson
Vice President for Legal Affairs
General Counsel and Secretary
National Public Radio, Inc.
635 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Thomas K. Pasch
General Counsel
Lenfest Broadcasting, LLC
1332 Enterprise Drive
West Chester, PA 19380

Patricia D. Sargent
Director of Engineering
California Oregon Broadcasting, Inc.
P.O. Box 1489
125 S. Fir Street
Medford, OR 97501

Jerry A. Williams, Chairman
Service Committee Dept. of CA
Veterans of Foreign Wars of the United
States
1336 Portland Avenue
Albany, CA 94706-1449

Ronald A. Siegel
Counsel for WLNY-TV Inc.
Cohn and Marks
Suite 300
1920 N Street, N.W.
Washington, D.C. 20036-1622

Carole Lomond
475 Colorow Road
Golden, CO 80401

Jennifer Johnson, Esq.
Russell Jessee, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Richard French, Jr., President
New Mass Media, Inc. for
WRNN-TV Associates Limited Partnership
116 Pleasant Street
Easthampton, MA 01027

John F.X. Browne
Chairman, Advanced Television Committee
John F.X. Browne & Associates, P.C.
500 North Woodward Avenue
Bloomfield Hills, MI 48304

Morton Bahr, President
Communications Workers of America
501 3rd Street, N.W.
Washington, D.C. 20001

J. J. Barry, President
The International Brotherhood of
Electrical Workers (IBEW)
1125 15th Street, N.W.
Washington, D.C. 20005

* Copies of the petition hand delivered to:

Clay Pendarvis, Chief *
Television Branch
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Barbara J. Kreisman, Chief *
Video Services Division
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

John Morgan*
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Nai Tam*
Mass Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Copies of the petition were sent via email to:

Greg C. Newman
Electronic Technologist
gregnewman776@cs.com

Robert T. Miller
robert@viacel.com

A handwritten signature in black ink, reading "Katherine M. Kline". The signature is written in a cursive style with a horizontal line underneath the name.

Katherine M. Kline